



**FEDERAL COMMUNICATIONS COMMISSION  
ENFORCEMENT BUREAU  
NORTHEAST REGION**

Philadelphia Office  
One Oxford Valley Building, Suite 404  
2300 East Lincoln Highway  
Langhorne, Pennsylvania 19047  
(215) 741-3016

November 21, 2013

James Engle  
Lewiston, New York

**NOTICE OF UNLICENSED OPERATION**

Case Number: EB-FIELDNER-13-00010840  
Document Number: W201432400002

The Philadelphia Office received a complaint that you were operating your Citizens Band (CB) Station with excessive power and intentionally causing harmful interference to other CB stations.

On October 23, 2013 the Philadelphia Office monitored your CB Station and observed you intentionally interfering with other CB communications. Section 95.413(a) (3) of the Commission's rules states, "You must not use a CB station – To interfere intentionally with the communications of another CB station."

On October 24, 2013, the Philadelphia Office inspected your CB Station and found that you owned four radio transmitters which were transmitting with more than 4 watts carrier power or were not certificated CB transmitters.<sup>1</sup> The agents also found that you owned and operated linear amplifiers that you use with your radio transmitters.

The CB Service is licensed by rule. This means an individual license is not required to operate a CB device. However, you void your authority to operate your CB station if you use a transmitter which has carrier or peak envelope power in excess of that authorized, use a linear amplifier, use a non-certificated CB transmitter, or make any internal modification to your certificated CB transmitter. See 47 C.F.R. §§ 95.409(a), 95.410(c), and 95.411(b).

---

<sup>1</sup> During the inspection at James Engle's residence on October 24, 2013, the agents found the following radios: Cobra 2000 GTL, Uniden 40 CH AM/SSB CB Base Station Model: Washington, Galaxy DX99V and a Kenwood TS-440S HF Transceiver. The Cobra 2000 GTL is a CB transmitter but had a transmitter output power of 6.6 watts. The Uniden 40 is a certified CB transmitter but had a transmitter output power of 8.0 watts. The Commission has not authorized the Galaxy DX99V and Kenwood TS-440S for operation in the CB Radio Service frequency band (26.965 MHz through 27.405 MHz). The Galaxy DX99V is marketed to operate in the 10 meter band and the Kenwood TS-440S is marketed to operate from 10 meters to 160 meters.

Operation of radio transmitting equipment without a valid FCC authorization or license is a violation of Section 301 of the Communications Act of 1934, as amended,<sup>2</sup> and may subject the responsible parties to substantial monetary forfeitures, in rem arrest action against the offending radio equipment, and criminal sanctions including imprisonment.<sup>3</sup> Because unlicensed operation creates a danger of interference to important radio communications services and may subject the operator to severe penalties, this warning emphasizes the importance of complying strictly with these legal requirements.

You are hereby warned that operation of radio transmitting equipment without a valid radio station authorization constitutes a violation of the Federal laws cited above and could subject the operator to severe penalties, including, but not limited to, substantial monetary fines, *in rem* arrest action against the offending radio equipment, and criminal sanctions including imprisonment. (*see* 47 U.S.C. §§ 401, 501, 503 and 510).

**UNLICENSED OPERATION OF THIS RADIO STATION MUST BE DISCONTINUED IMMEDIATELY.**

You have ten (10) days from the date of this notice to respond with any evidence that you ceased operating non-certificated CB transmitting equipment, ceased operating CB transmitting equipment with excessive power, ceased operating a CB linear amplifier, and stopped causing intentional interference to other CB stations. Your response should be sent to the address in the letterhead and reference the listed case and document number. Under the Privacy Act of 1974, 5 U.S.C. § 552a(e)(3), we are informing you that the Commission's staff will use all relevant material information before it to determine what, if any, enforcement action is required to ensure your compliance with FCC Rules. This will include any information that you disclose in your reply.

You may contact this office if you have any questions.

David C. Dombrowski  
District Director  
Philadelphia Office  
Northeast Region  
Enforcement Bureau

---

<sup>2</sup> 47 U.S.C. § 301.

<sup>3</sup> *See* 47 U.S.C. §§ 401, 501, 503, 510.